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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,181

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EXAMINER

LAZORCIK, JASON L

ART UNIT

PAPER NUMBER

1731

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/619,181	Applicant(s) TAKAHASHI ET AL.	
	Examiner Jason L. Lazorcik	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/05/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 12-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, 12-17 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has failed to provide substantial support for the new limitation presented in Claim 23 wherein it is claimed that the etching step is "an isotropical etching step". Further, one of ordinary skill in the art would not necessarily have been apprised of this limitation.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, each of the claims 20 and 21 recite the limitation wherein the polishing step is performed to provide the glass substrate with a "flatness required for a selected one of ArF excimer laser, F2 excimer laser, and EUV". Since applicant has

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failed to adequately define the requisite flatness and one of ordinary skill would not necessarily be apprised of said flatness, the particular metes and bounds for which applicant seeks patent protection are rendered unclear and indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8, 12, 13, 16, 20, 21, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Walker (US 2,372,536). Walker teaches an improved method for preparing precision polished glass surfaces. The reference teaches that the method is applicable to the formation of highly polished optical lens, prisms, flats or other like glass objects which would clearly present a “flatness” sufficient for use with one of the claimed source lasers or EUV [**Claims 20, 21**].

In accord with the Walker disclosure and with particular regard to **Claims 7 and 13**, a glass substrate is first subjected to a rough grinding process. The reference teaches that after the rough grinding “it is extremely difficult to properly inspect a stock piece for the presence of relatively deep scratches or marrings or internal inclusions or striae or other imperfections” (pg 2, Column 2, Lines 46-74).

The inventors then subject the substrate to immersion in a reactive chemical agent or etching solution which removes the surface debris and rounds off the edges of

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the workpiece. Walker discloses that after the etching treatment, "any relatively deep surface scratches or other mars will now be readily discernible". Since this chemical etching reaction acts upon "all surface portions", the solution is understood to provide an isotropic etch of the substrate [**Claim 23**]. It is therefore understood that surface defects are "elicited" through etching process which visually magnifies the surface defect during an inspection of the surface.

The thus etched substrate is further subject to a fine polishing or precision polishing (Page 3, Column 2, Lines 45-46). After said precision polishing, the substrate is optionally subjected to a final dip or "cleaning step" in an etchant solution or chemical debris-clearing solution (Page 5, Lines 17-38) [**Claim 8, 13**].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2,372,536). Walker teaches that etch rate of the etchant or cleaning solutions may be controlled by tailoring the ratio of solution constituent hydrofluoric and sulfuric acids, the substrate immersion time, and the bath temperature (Page 3, Column 1, line 44 through Column 2, line 26). Although the reference is silent regarding a specific depth of substrate material to be removed, it would have been well within the prevue of one of ordinary skill in the art at the time of the invention to provide a cleaning step etch of between 0 to 10nm as claimed.

Claims 9, 14, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2,372,536) in view of Feng (US 6,596,042 B1). The Walker reference fails to explicitly provide a limitation upon the amount of material removed from either the etching step or the final cleaning step as set forth in Claims 15 and 17, respectively. Walker further is silent on the nature of the abrasive utilized in the polishing procedures as required in claim 22 or upon the root mean square roughness of the in final optical element as per claims 9 and 14.

Feng (US 6,596,042 B1) teaches common techniques, materials, and tolerances considered to be known to skilled practitioners in the field of precision polishing or Chemical-Mechanical polishing (CMP). First, the reference teaches that known slurry formulations comprising silica or ceric oxide are have been developed with ceric oxide being recognized as the most efficient abrasive towards silicon dioxide (e.g. glass) (Column 1, lines 23-33). The reference in Example 4 (Column 5, lines 3-33) further teaches that RMS roughness values of less than 1 angstrom and silica removal rates of

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less than 85 angstroms/minute are achievable by precision polishing with slurries of silica and/or cerium oxide.

In light of the Feng disclosure and absent any compelling or unexpected results to the contrary, it is the Examiners position that precision polishing operations which use colloidal silica and/or cerium oxide abrasive particles [**Claim 22**] and which remove between 10 and 200nm of silica [**Claim 17**] to yield a surface RMS value of 0.2nm [**Claims 9, 14**] are well within the prevue of one of ordinary skill in the art.

Response to Arguments

Applicant's arguments with respect to claims 7-9 and 12-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levengood (US 3,171,768) teaches a method of detecting or "elucidating" flaws in the surface of a glass substrate which Examiner finds to be of particular relevance to the claimed elucidating step in claims 7 and 12 above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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